

FORM PTO-1390  
(REV 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEYS DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

033171-89

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/542729

INTERNATIONAL APPLICATION NO.

PCT/DE2004/000306

INTERNATIONAL FILING DATE

19 FEBRUARY 2004

PRIORITY DATE CLAIMED

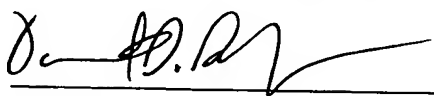
20 FEBRUARY 2003

TITLE OF INVENTION FUEL CELL STACK

APPLICANT(S) FOR DO/EO/US Michael STELTER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
  4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
    - b. ☒ has been communicated by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
    - a. ☒ is attached hereto.
    - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
    - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ have been communicated by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☐ have not been made and will not be made.
  8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☒ A **FIRST** preliminary amendment.
  14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  15. ☒ A substitute specification and mark-up specification.
  16. ☐ A change of power of attorney and/or address letter.
  17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
  18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
  19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
  20. ☒ Other items or information: Copy of International Search Report in English; Application Data Sheet and Five Sheets of Drawings (Figs. 1-7)

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) <b>10/542729</b>		INTERNATIONAL APPLICATION NO. PCT/DE2004/000306		ATTORNEYS DOCKET NUMBER 033171-89	
21. The following fees are submitted:				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
<input checked="" type="checkbox"/> a) Basic national fee..... \$300.00				\$300.00	
<input checked="" type="checkbox"/> b) Examination fee..... \$200.00				\$200.00	
<input checked="" type="checkbox"/> c) Search fee..... \$500.00				\$500.00	
<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>				<b>\$1000.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
16- 100 =	/50 =		x \$250.00	\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	7- 20 =	0	x \$50.00	\$0	
Independent claims	1- 3 =	0	x \$200.00	\$0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$0	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,000.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0	
<b>SUBTOTAL =</b>				<b>\$1,000.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,000.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,040.00</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>19-2380(033171-89)</u> in the amount of <u>\$1,040.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-2380(033171-89)</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
NIXON PEABODY LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128 Date: July 20, 2005				 _____ SIGNATURE	
				David S. Safran _____ NAME	
				27,997 _____ REGISTRATION NUMBER	